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September 18, 2013

Via ECF

Magistrate Judge James Orenstein
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Phoenix Beverages, Inc. et al. v. Exxon Mobil Corporation et al*, C.A. 12-CV-03771 (PKC) (JO); Third-Party Defendant Emhart Teknologies LLC's Request for Extension of Time to Respond to the Third-Party Complaint of ExxonMobil Corporation


Dear Magistrate Judge Orenstein:

I represent Third-Party Defendant Emhart Teknologies LLC ("Emhart Teknologies") in the above-entitled matter. In accordance with the rules of the Court, Emhart Teknologies respectfully requests an extension of time until November 18, 2013 to answer, move, or otherwise respond to the third-party complaint filed by Third-Party Plaintiff Exxon Mobil Corporation ("Exxon Mobil") on July 1, 2013, and served upon Emhart Teknologies on August 29, 2013.

Emhart Teknologies' original deadline to respond is September 19, 2013. Emhart Teknologies has not made any previous requests to extend its period to answer, move, or otherwise respond to the third-party complaint of Exxon Mobil. Further, this request will not affect any other scheduled deadlines. Finally, Exxon Mobil has consented to Emhart Teknologies' proposed extension.

Based on the foregoing Emhart Teknologies respectfully requests that the period within which it must answer, move, or otherwise respond to the third-party complaint of Exxon Mobil be extended until November 18, 2013.

Respectfully submitted,


Jerome C. Muys, Jr., Esq.
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Enclosure
Cc: Counsel of Record (via ECF)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PHOENIX BEVERAGES, INC., RODB LLC,
WINDMILL DISTRIBUTING COMPANY, L.P., UP
FROM THE ASHES, INC., and other affiliated
companies of PHOENIX BEVERAGES, INC.,

Plaintiffs,

v.

EXXON MOBIL CORPORATION, EXXONMOBIL
RESEARCH AND ENGINEERING COMPANY and
QUANTA RESOURCES CORPORATION,

Defendants.

EXXON MOBIL CORPORATION and QUANTA
RESOURCES CORPORATION,

Third-Party Plaintiffs,

v.


ACE WASTE OIL, INC.; et al.

Third-Party Defendants.

Case No. 1:12-CV-03771 (PKC)(JO)

**PROPOSED STIPULATION EXTENDING THIRD-PARTY DEFENDANT'S TIME TO
ANSWER, MOVE, OR OTHERWISE RESPOND TO THIRD-PARTY PLAINTIFF'S
COMPLAINT**

Third-Party Plaintiff Exxon Mobil Corporation ("Exxon Mobil") and Third-Party Defendant Emhart Technologies LLC ("Emhart") hereby stipulate that Emhart's time to answer, move, or otherwise respond to the Complaint of Exxon Mobil dated July 1, 2013 shall be extended to November 18, 2013.


Jerome C. Muys Jr., Esq.

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Attorneys for Third-Party Plaintiff
Exxon Mobil Corporation

Dated: September 18, 2013

SO ORDERED:

Magistrate Judge James Orenstein

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PHOENIX BEVERAGES, INC., RODB LLC,
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QUANTA RESOURCES CORPORATION,

Defendants.

EXXON MOBIL CORPORATION and QUANTA
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ACE WASTE OIL, INC.; et al.

Third-Party Defendants.

Case No. 1:12-CV-03771 (PKC)(JO)

CERTIFICATE OF SERVICE

I, Jerome C. Muys, Jr., Esq., do hereby certify that on September 18, 2013, I electronically filed and served the STIPULATION on the Clerk of the Court of the United States District Court for the Eastern District of New York and on all counsel of record using the CM/ECF system.

Respectfully Submitted,


Jerome C. Muys Jr., Esq.